WP(C) 976/2007

BEFORE

THE HON'BLE MR. JUSTICE B.K.SHARMA

Heard Mr. J. Ahmed, learned counsel for the petitioners as well as Ms R. Chakraborty, learned State counsel representing the respondents.

The petitioner in the first writ petition is the brother of late Loda Boro, who was killed by the extremists on 21.4.1999. In the second writ petition, the petitioner is the wife of late Jwangchuma Basumatary, who was also killed by the extremists on 16.11.2000. In the third writ petition, the petitioner is the son of late Keshab Brahma, who also died in extremists violence on 8.7.1998. On account of such death, the petitioners have been paid ex-gratia amounting to Rs.1,00,000/- each. It is their case that they are entitled to get consideration for appointment on compassionate ground in terms of the relevant scheme, a copy of which has been annexed to the writ petition. The circular letter dated 22.6.2004 has been addressed to all the Deputy Commissioners of the districts on the subject of repealing the Assam Public Services (Appointment of family members of persons killed by Extremists/Terrorists) Rules, 1992. In terms of the said circular letter, the kith and kin of the persons killed in extremists violence are entitled to certain consideration in the matter of payment of ex-gratia and preference in the matter of appointment.

While Mr. J. Ahmed, learned counsel representing the petitioners submits that the respondents are duty bound to appoint the petitioners in terms of the scheme, Ms R. Chakraborty, learned State counsel submits that the petitioners cannot claim automatic appointment dehorse the parameters and norms to be followed in such matters.

Considering the submissions made and the materials on record, I dispose of the writ petition providing that the respondents, more particularly, the jurisdictional Deputy Commissioner shall proceed with the matter relating to the prayer of the petitioners for appointment in accordance with the prevalent scheme.

At this stage, Ms R. Chakraborty, learned State counsel submits that there may be other incumbents claiming such appointment and that the case of the petitioners cannot be considered in isolation. It is hereby provided that the respondents shall examine the claim of the petitioners as expeditiously as possible, preferably within 6 (six) months along with other similarly situated persons. Whatever may be the outcome of the case of the petitioners, the same may be communicated to them. The petitioners may obtain a certified copy of this order and produce the same before the respondents along with fresh representation, if so advised.